

Date: October 16, 2012

To: Thomas J. Bonfield, City Manager
Through: Wanda S. Page, Deputy City Manager
From: Joel V. Reitzer, Director, General Services Department
David M. Fleischer, Real Estate Manager
Elizabeth Hyland, Operations and Evaluation Administrator
Subject: Resolution for Property Exchange between the City of Durham and
David Nicewicz and Kathryn Clove

Executive Summary

The City owns a parcel of vacant land located at 1012 Washington Street (parcel number 105651) containing approximately 11,064 square feet. David Nicewicz and Kathryn J. Clove (Buyers) have a contract with a third party to purchase two parcels of vacant land located at 220 Macon Street and 417 West Markham Avenue (parcel numbers 105660 and 105649, respectively). The General Services Department published a notice of the City's intention to authorize the exchange of 7,716 square feet of the City-owned parcel for 15,005 square feet of the Buyers' property. The City-owned parcel is necessary for the Buyers to provide a new driveway permitting ingress and egress to the site of their new home. The Buyers will provide additional compensation to the City in the amount of \$1,150.00. The City will retain and reserve a 10 foot wide strip of public right of way along Washington Street to provide sufficient area for future traffic control signals and devices, sidewalk, and street lighting. This exchange is pursuant to G.S. 160A-271, which allows the exchange of property. The notice of intention to authorize the exchange of property was published on the City of Durham's General Services Department web page on October 16, 2012, and in The Herald Sun newspaper on October 19, 2012.

Recommendation

General Services Department recommends that City Council adopt a resolution authorizing this property exchange pursuant to G.S. 160A-271, subject to the approved negotiated terms.

Background

The City owns 1012 Washington Street (parcel # 105651). Tyrone K. Newman (Newman) currently owns 220 Macon Street and 417 West Markham Avenue (parcel numbers 105660 and 105649, respectively). Buyers are under contract with Newman to purchase both parcels owned by Newman in order to build a home and driveway. For construction to proceed on the parcels as currently configured, Buyers would need to build a bridge across the intermittent stream present on the property. According to the Buyers, this option is cost prohibitive and may not be allowed by local or state regulations.

In order to avoid: (1) the expense of building a bridge, and (2) potential regulatory issues, Buyers approached the City with a proposition to reconfigure the properties noted above.

Issues/Analysis

The property exchange benefits both the City and Buyers. This exchange helps to buffer the stream corridor and provide a link between existing streets for a potential future pedestrian connection. This exchange prevents Buyers from incurring the costs for bridge and driveway construction and attendant long-term maintenance, and prevents unnecessary disturbance of the stream arising out of bridge construction and maintenance.

Alternatives

City Council could decide to not adopt a resolution authorizing this property exchange.

Financial Impact

The property exchange is considered to represent fair compensation, and Buyers are paying all related expenses.

SDBE Summary

This item does not require review by the Equal Opportunity/Equity Assurance Department.

Attachments: Location Map
Resolution
Public Notice